

Application No. 09/755,798  
Amdt. dated August 28, 2007  
Reply to Office Action of May 25, 2007

**AMENDMENTS TO THE DRAWINGS:**

The attached sheet(s) of drawings includes changes to FIGs. 1-3 to overcome objections by the Examiner and Draftsperson.

Attachment:        Replacement sheet

### **REMARKS**

The Applicants have carefully reviewed the Office action mailed May 25, 2007 and thank Examiner Binda for his detailed review of the pending claims. In response to the Office action, Applicants have amended claims 1, 8 and 15 and added new claim 22. By way of this amendment, no new matter has been added. Accordingly, claims 1-22 are pending in this application. At least for the reasons set forth below, Applicants respectfully traverse the foregoing rejections. Further, Applicants believe that there are also reasons other than those set forth below why the pending claims are patentable, and reserves the right to set forth those reasons, and to argue for the patentability of claims not explicitly addressed herein, in future papers. Applicants respectfully request reconsideration of the present application in view of the above amendment, the new claims, and the following remarks.

#### **A. Declaration**

The Examiner objected to the Declaration because the Declaration does not identify the city, state and country of residence of each inventor. Accordingly, an Application Data Sheet including the inventor information is provided in the Appendix. Withdrawal of the objection is therefore respectfully requested.

#### **B. Drawings**

In the Office action, the Examiner objected to the drawings in FIG. 1-2. More specifically, the Examiner objected to the cross hatch pattern used in FIGs. 1-2 because it does not depict cellular foam material or a foam rubber disclosed in the application as filed. Moreover, the Examiner objected to the lead line for reference numeral 52 because the lead line failed to indicate the outer race section of boot 12. Additionally, the Draftsperson objected to the numbers and reference characters as not plain and legible. In response, the Applicants have amended FIGs. 1-3 on the attached replacement sheet to address the Examiner and Draftsperson's objections. Withdrawal of the objections is therefore respectfully requested.

### **C. Specification**

The Specification was objected to for allegedly failing to provide proper antecedent basis for the following claim recitations of claims 2, 9 and 16 “wherein said foam material is foam rubber.” Paragraph [0024] of the specification has been amended to include this recitation. Withdrawal of the objection is therefore respectfully requested.

### **D. Claim Rejections – 35 USC §102 (b)**

#### **1. The Law**

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

#### **2. Fierstine (U.S. 3,129,023)**

Claims 1, 2, 5, 8, 9 and 12 are rejected under 35 U.S.C. §102(b) as anticipated by Fierstine (U.S. 3,129,023). Applicants respectfully traverse the rejection.

Applicant notes that amended independent claims 1 and 8 require “a body portion having a central inner cavity defined by an inner wall, said inner cavity having a circumference smaller than a circumference of an interconnecting shaft so as to provide an interference fit,” (emphasis added). Support for the recitation can be found at in at least FIG. 2 and paragraph [0022].

Fierstine does not teach all of the recitations found in amended claims 1 and 8 and therefore cannot anticipate independent claims 1 and 8. More specifically, Applicant specifically draws attention to column 1, lines 62-64 and FIG. 1 of Fierstine (reproduced below for the Examiner’s convenience) to demonstrate Fierstine teaches “shank 16 is formed with a tapered portion 32 which

extends into a cooperating bore 34,” (emphasis added). Thus, as may be seen, Fierstine actually **teaches away** from an inner cavity with “a circumference smaller than a circumference of an interconnecting shaft so as to provide an interference fit.” Indeed, Fierstine actually shows “[t]apered portion 32 is drawn into locking engagement with bore 34 by a nut 38 which threadably engages the threaded terminal end 40 of stud 12,” (see column 1, lines 65-68). Thus, the bore 34 does not include an “inner cavity having a circumference smaller than a circumference of an interconnecting shaft so as to provide an interference fit” but rather “threadably engages [with] the threaded terminal end 40 of stud 12.” Accordingly, Fierstine teaches away from Applicant’s claimed invention, as defined by independent claim 1, Fierstine does not teach every recitation of independent claims 1 and 8, as required by *Verdegaal Bros.*

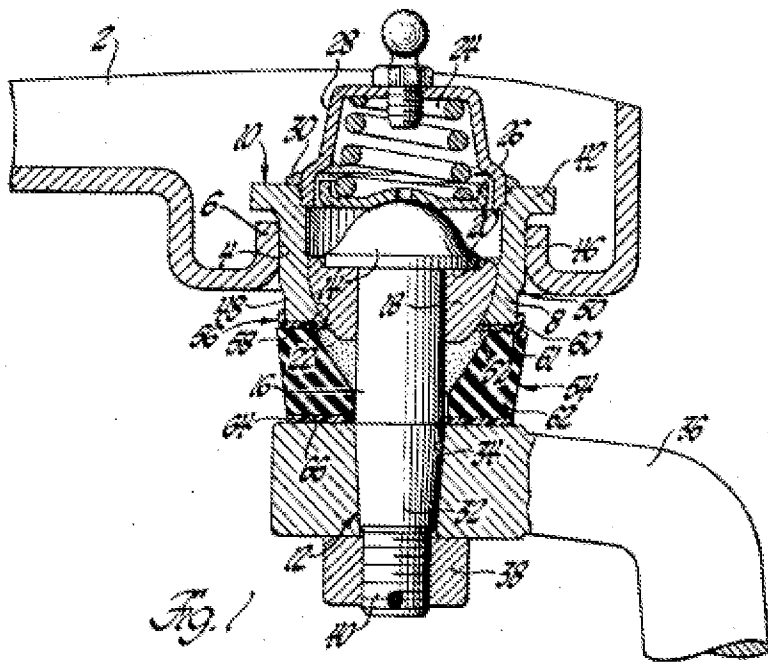


Fig 1 of Fierstine

Dependent claims 2, 5, 9 and 12 depend from patentable independent claims 1 and 8 and include additional recitations that are separately patentable. Accordingly, withdrawal of the rejection is respectfully requested.

**C. Blee (U.S. 5,379,856)**

Claims 1-3, 5, 8-10, 12, 15-17 and 19 are rejected under 35 U.S.C. §102(b) as anticipated by Blee (U.S. 5,379,856). Applicants respectfully traverse the rejection.

Applicants note that amended independent claims 1, 8 and 15 all require “a body portion having a central inner cavity defined by an inner wall, said inner cavity having a circumference smaller than a circumference of an interconnecting shaft so as to provide an interference fit,” (emphasis added).

Blee does not teach all of the recitations found in claims 1, 8 and 15 and therefore cannot anticipate independent claims 1, 8 and 15. More specifically, Applicant specifically draws attention to column 2, lines 60-54 and FIG. 2 of Blee (reproduced below for the Examiner’s convenience) to demonstrate Blee teaches “[t]he deformable and compressible body 40 has a generally tubular configuration and has a cylindrical inner side surface 46 through which the rack extends.” Indeed, Blee does not teach or suggest an “inner cavity having a circumference smaller than a circumference of an interconnecting shaft so as to provide an interference fit.” Instead, Blee only teaches that the compressible body 40 has a cylindrical side surface 46 through which the rack 14 extends. Accordingly, Blee teaches away from Applicant’s claimed invention, as defined by independent claims 1, 8 and 15, Blee does not teach every recitation of independent claims 1, 8 and 15, as required by *Verdegaal Bros.*

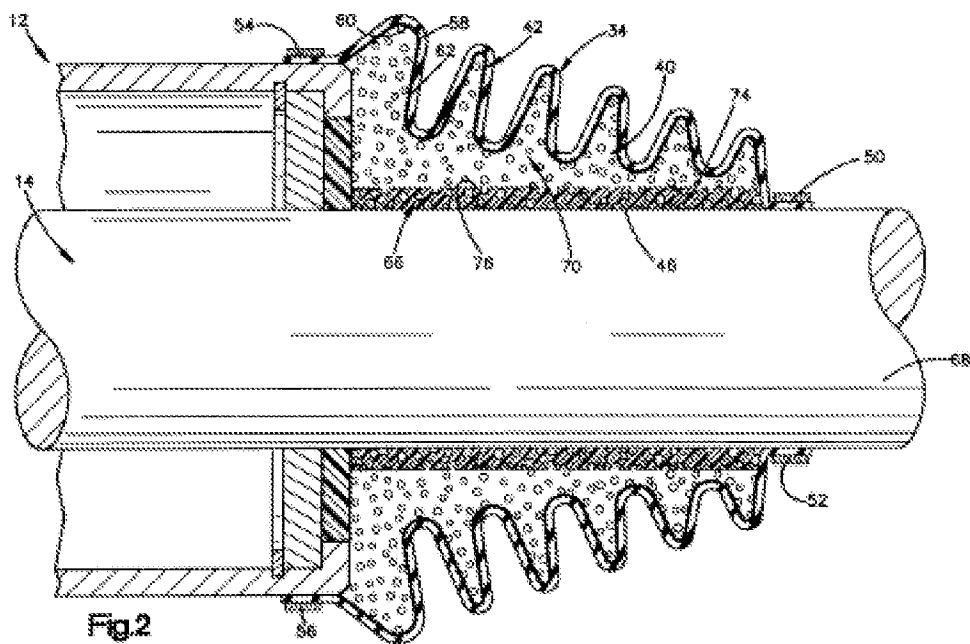


Fig 2 of Blee

Dependent claims 2-3, 5, 9-10, 12, 16-17 and 19 depend from patentable independent claims 1, 8 and 15 and include additional recitations that are separately patentable. Accordingly, withdrawal of the rejection is respectfully requested.

#### **D. Ayers (U.S. 4,500,151)**

Claims 1-5 and 8-12 are rejected under 35 U.S.C. §102(b) as anticipated by Ayers (U.S. 4,500,151). Applicants respectfully traverse the rejection.

Applicant notes that independent claims 1 and 8 all require “a body portion having a central inner cavity defined by an inner wall, said inner cavity having a circumference smaller than a circumference of an interconnecting shaft so as to provide an interference fit,” (emphasis added).

Ayers does not teach all of the recitations found in claims 1 and 8 and therefore cannot anticipate independent claims 1 and 8. More specifically, Applicant specifically draws attention to column 3, lines 20-23 and FIG. 1 of Ayers (reproduced below for the Examiner’s convenience) to demonstrate Ayers teaches “[a] foam is injected through an opening 23 of boot 17 and into a space

which surrounds the seal boot,” (emphasis added). Indeed, Ayers does not teach or suggest an “inner cavity having a circumference smaller than a circumference of an interconnecting shaft so as to provide an interference fit.” Instead, Ayers only teaches there is foam surrounding the electrical cable 10 in FIG. 1. Thus, the outer boot 17 does not include an “inner cavity having a circumference smaller than a circumference of an interconnecting shaft” but rather “[a] foam [that is] injected through an opening 23 of the boot 17.” Accordingly, Ayers teaches away from Applicant’s claimed invention, as defined by independent claim 1, Ayers does not teach every recitation of independent claims 1 and 8, as required by *Verdegaal Bros.*

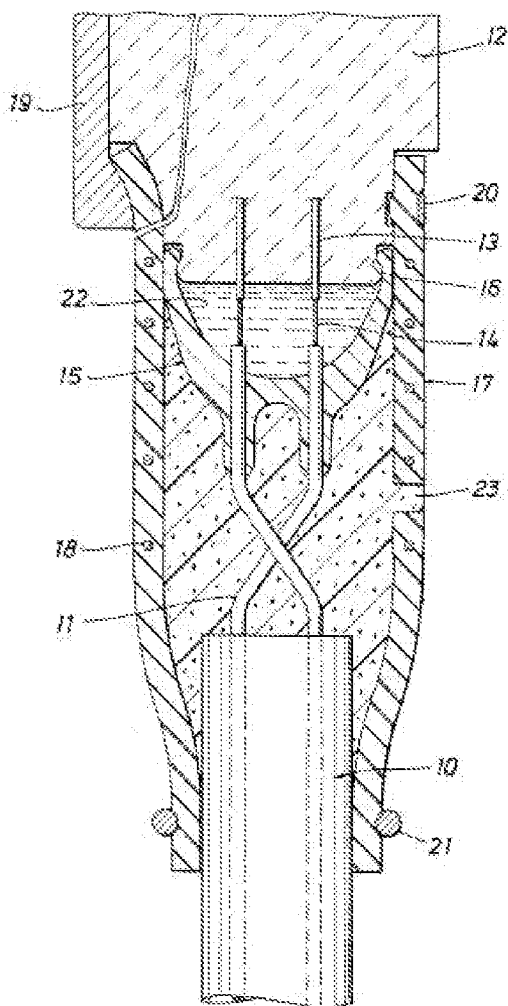


Fig. 1 of Ayers

Dependent claims 2-5 and 9-12 depend from patentable independent claims 1 and 8 and include additional recitations that are separately patentable. Accordingly, withdrawal of the rejection is respectfully requested.

**E. Rabe (DE 296 17 276) (U.S. 6,152,641)**

Claims 1-5, 8-12 and 15-19 are rejected under 35 U.S.C. §102(b) as anticipated by Rabe (DE 296 17 276) (U.S. 6,152,641). Applicants respectfully traverse the rejection.

Applicant notes that independent claims 1, 8 and 15 all require “a body portion having a central inner cavity defined by an inner wall, said inner cavity having a circumference smaller than a circumference of an interconnecting shaft so as to provide an interference fit,” (emphasis added).

Rabe does not teach all of the recitations found in claims 1, 8 and 15 and therefore cannot anticipate independent claims 1, 8 and 15. More specifically, Applicant specifically draws attention to column 2, lines 41-44 and FIG. 1 of Rabe (reproduced below for the Examiner’s convenience) to demonstrate Rabe teaches “the area sealed in the past by a collar or between bellows between the shaft 6 and a peripheral groove 2.01 provided in the upper area 2.0 of the ball joint housing 2 is surrounded by an elastic jacket 21,” (emphasis added). Thus, as may be seen, Rabe actually **teaches away** from an inner cavity with “a circumference smaller than a circumference of an interconnecting shaft.” Indeed, Rabe actually teaches the “elastic jacket 21 which consists of cross-linked or uncrosslinked elastomer, which fills the entire cavity . . . is molded on,” (see column 2, lines 44-46). Thus, the ball joint housing 2 does not include an “inner cavity having a circumference smaller than a circumference of an interconnecting shaft so as to provide an interference fit” but rather “an elastic jacket 21” that is molded on to the shaft 6. Accordingly, Rabe teaches away from Applicant’s claimed invention, as defined by independent claims 1, 8 and 15, Rabe does not teach every recitation of independent claims 1, 8 and 15, as required by *Verdegaal Bros.*



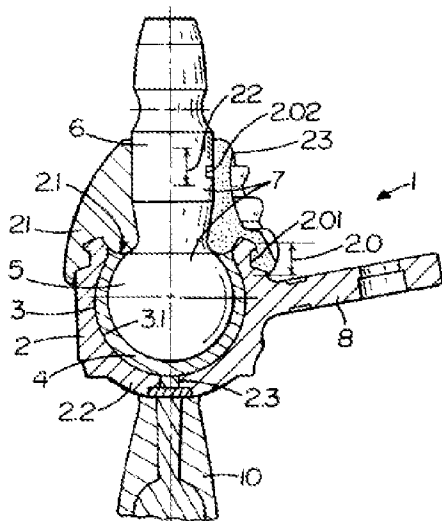


FIG. 1 of Rabe

Dependent claims 2-5, 9-12 and 16-19 depend from patentable independent claims 1, 8 and 15 and include additional recitations that are separately patentable. Accordingly, withdrawal of the rejection is respectfully requested.

### **Claim Rejections 35 U.S.C. §103(a)**

#### **1. The Law**

"To establish prima facie obviousness of a claimed invention, all the claim recitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j).

#### **2. Fierstine (U.S. 3,129,023), Blee (U.S. 5,379,856), Ayers (U.S. 4,500,151) & Rabe (DE 296 17 276) (U.S. 6,152,641)**

Claims 6, 7, 13, 14, 20 and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over any one of Fierstine (US 3,129,023), Blee (U.S. 5,379,856), Ayers (4,500,151) and Rabe (U.S. 6,152,641) (DE 296 17 276). Applicants respectfully traverse the rejection.

Claims 6, 7, 13, 14, 20 and 21 depend from independent claims 1, 8 and 15. The remarks presented above with respect to the §102 rejection are equally applicable here. Specifically, the

inadequacy of Fierstine, Blee, Ayers and Rabe to teach every element of independent claims 1, 8 and 15 by not teaching a “a body portion having a central inner cavity defined by an inner wall, said inner cavity having a circumference smaller than a circumference of an interconnecting shaft,” is also fatal to the Examiner’s §103 rejection. Additionally, the knowledge of one of ordinary skill in the art does not make up for the inadequacy described above in any of Fierstine, Blee, Ayers and Rabe. Therefore, the combination of the knowledge of one of ordinary skill in the art and any of Fierstine, Blee, Ayers and Rabe does not teach every recitation of claims 6, 7, 13, 14, 20 and 21, as required in *In re Royka*.

### **New Claim**

New claim 22 positively recites “at least one chamfer portion formed on the second end of the body portion.” Support for this claim can be found, at least, in FIGs. 1-2. Further, paragraph [0023.1] has been added to the specification to further describe this claim element. Claim 22, which depends from independent claim 1, distinguishes over the prior art for at least the reasons discussed above with respect to independent claim 1.

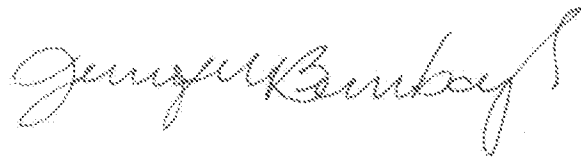
**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Applicants hereby petition for a one-month extension of time. A corresponding fee transmittal accompanies this submission. If any additional fees are due, please charge our Deposit Account No. 07-1360, under Order No. G00284/US from which the undersigned is authorized to draw.

Dated: August 30, 2007

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jennifer Brumbaugh", with a long, sweeping flourish extending to the right.

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